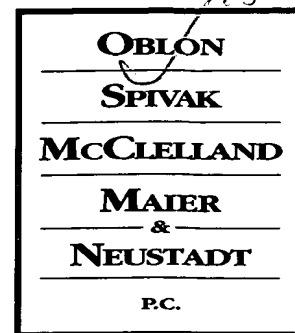


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ATTORNEYS AT LAW

Docket No.: 231191US26

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/698,415
Applicants: Aline ABERGEL
Filing Date: November 3, 2003
For: PACKAGING A PRODUCT AND PACKAGING
METHOD
Group Art Unit: 3721
Examiner: Weeks, Gloria R.

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF W/APPENDICES

Our credit card payment form in the amount of **\$500.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 231191US26

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ALINE ABERGEL : EXAMINER: WEEKS, GLORIA R
SERIAL NO: 10/698,415 :
FILED: NOVEMBER 3, 2003 : GROUP ART UNIT: 3721
FOR: PACKAGING A PRODUCT AND :
PACKAGING METHOD :

APPEAL BRIEF WITH APPENDICES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from a final Office Action Mailed October 17, 2006. A Notice of Appeal was timely filed together with a Pre-Appeal Brief Request for Review on January 16, 2007. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on February 23, 2007, indicating that the application remains under appeal and that the time for filing an Appeal Brief has been reset to one month from the mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is L'Oreal having an address at 14, rue Royale, F-75008, Paris, France. L'Oreal is the real party in interest by way of assignment recorded in the U.S. Patent and Trademark Office at reel 015181, frame 0032.

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II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative and the assignees are aware of no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-16, 18, and 25-33 are pending. Claims 17 and 19-24 are canceled and Claims 25-28 were withdrawn from consideration. Claims 1-16, 18, and 29-33 stand rejected, and Claims 1-16, 18, and 29-33 are herein appealed.

IV. STATUS OF AMENDMENTS

An amendment was timely filed on August 3, 2006. In a Final Office Action mailed October 17, 2006, the Examiner finally rejected Claims 1-16, 18, and 29-33. A Pre-Appeal Brief Request for Review was timely filed together with a Notice of Appeal on January 16, 2007. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on February 23, 2007, indicating that the application remains under appeal and that the time for filing an Appeal Brief has been reset to one month from the mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review. The attached Appendix VII reflects Claims 1-16, 18, and 25-33 as presently pending on appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER¹

The claimed invention relates to a device for packaging a product. In accordance with one of the features of the invention, Appellant has recognized an advantageous arrangement where a sticker forming a mirror is adhesively bonded onto a face of the lid and one of the faces of the support to provide the articulation. This arrangement is included in independent Claim 1. By way of example, as shown in Figs. 4 and 5 the device includes a support 20 having a flat overall shape and having two faces 22 and 23.² The support 20 further includes at least one cavity 21 that passes at least partially through the support 20 and which opens on a first face 22 of said two faces 22 and 23 through a first opening 210.³ The cavity contains a product 10.⁴

The device also includes a lid 30 having a flat overall shape, that is articulated to the support 20.⁵ The support 20 and the lid 30 are articulated to each other by an arrangement comprising a sticker forming a mirror 70 adhesively bonded onto a face 31 of the lid 30 and onto one of the faces of the support 20.⁶

In accordance with another feature of the invention, Appellant has recognized an advantageous arrangement where an adhesive sheet is arranged to articulate the lid to the support and also closes off a second opening of the cavity on the second face of the support. This arrangement is included in independent Claim 16. By way of further example, as shown in Figs. 1 and 2, a device for packaging a product includes a support 20 having two faces 22

¹ It is Appellants' understanding that, under the rules of Practice before the Board of Patent Appeals and Interference, 37 C.F.R. § 41.37(c) requires that a concise explanation of the subject matter recited in each independent claim be provided with reference to the specification by page and line numbers and to the drawings by reference characters. However, Appellants' compliance with such requirements anywhere in this document should in no way be interpreted as limiting the scope of the invention recited in all pending claims, but simply as non-limiting examples thereof.

² Support for this feature can be found, as an example, at pages 7-8, para. [0045], with reference to Figs. 3 and 4.

³ Support for this feature can be found, as an example, at pages 7-8, para. [0045], with reference to Figs. 3 and 4.

⁴ Support for this feature can be found, as an example, at pages 7-8, para. [0045], with reference to Figs. 3 and 4.

⁵ Support for this feature can be found, as an example, at pages 7-8, para. [0045], with reference to Figs. 3 and 4.

⁶ Support for this feature can be found, as an example, at pages 7-8, para. [0045], with reference to Figs. 3 and 4.

and 23.⁷ The support 20 further includes at least one cavity 21 that passes through the support 20 and which opens on a first face 22 of said two faces through a first opening 210.⁸ The cavity 21 opens on a second side 23 of said two faces through a second opening 211.⁹ The cavity 21 contains a product 10 with a first side adjacent the first opening 210 and a second side adjacent the second opening 211.¹⁰

The device also includes a lid 30 articulated to the support 20.¹¹ The support 20 and the lid 30 are articulated to each other by an arrangement including an adhesive sheet 50 fixed onto one face 32 of the lid and onto one of the faces 23 of the support.¹² The adhesive sheet 50 closes off said second opening 211 of the cavity 21.¹³ The portion of said adhesive sheet 50 which covers said second opening 211 directly faces the second side of the product 20 contained in the cavity 21.¹⁴

With these arrangements, a compact device is provided which mimics a make-up case and is simple and inexpensive to produce.

VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 8, 9 and 13-15 stand rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2004/0003825 to Kelly in view of U.S. Patent No. 4,491,389 to Coburn, Jr. and U.S. Patent No. 6,412,640 to Destanque et al. Claims 2, 3, 8, 9 and 13-15 all depend from independent Claim 1. Claim 10 stands rejected under 35 U.S.C. § 103(a) over Kelly in view of Coburn and Destanque and further in view of WO 97/15910 to Guiard, U.S. Patent No. 7,025,220 to Verespej et al. and U.S. Patent No. 4,469,226 to Matney. Claim 10 depends

⁷ Support for this feature can be found, as an example, at page 5, para. [0031], with reference to Figs. 1 and 2.

⁸ Support for this feature can be found, as an example, at pages 5-6, para. [0032], with reference to Figs. 1 and 2.

⁹ Support for this feature can be found, as an example, at pages 5-6, para. [0032], with reference to Figs. 1 and 2.

¹⁰ Support for this feature can be found, as an example, at pages 5-6, para. [0032], with reference to Figs. 1 and 2.

¹¹ Support for this feature can be found, as an example, at page 6, para. [0037], with reference to Figs. 1 and 2.

¹² Support for this feature can be found, as an example, at page 6, para. [0037], with reference to Figs. 1 and 2.

¹³ Support for this feature can be found, as an example, at page 6, para. [0035], with reference to Figs. 1 and 2.

¹⁴ Support for this feature can be found, as an example, at page 6, para. [0035], with reference to Figs. 1 and 2.

from independent Claim 1. Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) over Kelly in view of Coburn and Destanque and further in view of U.S. Patent No. 4,890,872 to Parrotta et al.. Claims 11 and 12 both depend from independent Claim 1. Claims 7, 16, 18 and 33 stand rejected under 35 U.S.C. § 103(a) over Kelly in view of Guiard and Parrotta. Claims 7, 18, and 33 all depend from independent Claim 16. Claims 4-6 and 29 stand rejected under 35 U.S.C. § 103(a) over Kelly in view of Guiard and Parrotta and further in view of Coburn. Claims 4-6 and 29 all depend from independent Claim 16. Claims 30-32 stand rejected under 35 U.S.C. § 103(a) over Kelly in view of Guiard, Parrotta and Coburn and further in view of Verespej and Matney. Claims 30-32 all depend from independent Claim 16.

VII. ARGUMENT

Appellant initially notes that the Office Action of May 3, 2006 acknowledged that Appellant presented persuasive arguments in the Appeal Brief filed on February 15, 2006, to overcome rejections based on the Kelly, Coburn, and Guiard references. The Final Action of October 17, 2006 (“Final Action”) now applies Parrotta and Destanque to the rejections of independent Claims 1 and 16 in addition to these references. Appellant respectfully submits that these new references include the same deficiencies as those found in the Kelly, Coburn, and Guiard references.

A. THE CITED REFERENCES DO NOT DISCLOSE OR RENDER OBVIOUS A SUPPORT AND A LID THAT ARE ARTICULATED TO EACH OTHER BY A STICKER FORMING A MIRROR AS RECITED IN INDEPENDENT CLAIM 1.

As noted above, independent Claim 1 relates to a device for packing a product that includes a support having two faces and at least one cavity passing at least partially through the support. The cavity opens on a first face of the two faces through a first opening and contains a product. A lid is articulated to the support.

The Appellant has recognized an advantageous arrangement where a sticker forming a mirror is adhesively bonded onto one of the faces of the lid and one of the faces of the support to provide the articulation. Thus, Claim 1 recites, *inter alia*, a support and a lid that are articulated to each other by an arrangement including a sticker forming a mirror adhesively bonded onto a face of the lid and onto one of the faces of the support. Not one of Kelly (U.S. Publication No. 2004/0003825), Coburn (U.S. Patent No. 4,491,389), or Destanque (U.S. Patent No. 6,412,640) disclose this feature.

Kelly is directed to a cosmetic case. As illustrated in Figure 1, Kelly describes a cosmetics case 10 that includes a base 14 and a lid 16.¹⁵ The lid 16 is secured to the base 14 by a hinge 24.¹⁶ The Final Action acknowledges that Kelly does not teach a sticker forming a mirror, but cites Coburn as correcting this deficiency.¹⁷ Coburn is directed to overcoming distortion problems by placing a cushion intermediate a mirror's reflecting surface and its support surface.¹⁸ Although Coburn describes a mirror, this mirror is not in the form of a sticker. Nevertheless, the Final Action asserts that "Coburn states in column 1, lines 21-35 that forming a mirror on a sticker reduces cost and increases safety."¹⁹ However, Coburn does not disclose forming a mirror on a sticker at the cited portion, nor to the best of Appellants knowledge, at any other portion. Instead, Coburn discloses a mirror having a molded plastic support surface. Even so, the Final Action states:

Coburn discloses provision of a plastic molded surface, which is equivalent to Appellant's lid, Coburn teaches applying a mirror to the lid. As a sticker is defined as an adhesive label or patch, Examiner has found the metallic foil (30) attached to an adhesive foam (26) to adequately define a mirror sticker, wherein the mirror sticker (26, 30) is attached/adhered to the lid (14) of Coburn.

¹⁵ See Kelly, at paragraph [0018].

¹⁶ See Kelly, at paragraph [0020].

¹⁷ See the Final Action at page 2, third paragraph of Section 2.

¹⁸ See Coburn, at column 2, lines 52-55.

¹⁹ See the Final Action at page 2, third paragraph of Section 2.

Not only does the Final Action fail to provide a source for this definition of “sticker,” but this definition is also inconsistent with the Final Action’s own characterization of the hinge 24 described in Kelly, which the Final Action asserts is also a “sticker.”²⁰ Briefly returning to Kelly, the base 14, lid 16 and first hinge 24 are all described as constructed of a generally rigid material such as solid cardboard.²¹ Kelly also describes that the hinge 24 requires a pair of fold lines 24d and 24e in order to permit pivotal movement of the base 14 and lid 16 about the fold lines 24d and 24e.²² Although Kelly describes that the hinge 24 can be adhesively bonded to the base 14 and the lid 16,²³ Appellant submits that this disclosure does not inherently mean that the hinge 24 is itself “adhesive.” “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may *not* be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added) (citation omitted) (quoting *Continental Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991)). Thus, Appellant respectfully submits that a generally rigid piece of cardboard that requires fold lines to permit pivotal motion and is not necessarily itself adhesive can hardly be considered an “adhesive label or patch,” and therefore does not even meet the Final Action’s own definition of a sticker.

Regardless of the inconsistent application of the Final Action’s definition of “sticker,” Coburn fails to describe a mirror formed as a sticker. As can be seen in Figure 2, Coburn describes that mirror 12 includes plastic layer 14, closed cell polyether foam 26 (not adhesive

²⁰ See the Final Action at page 2, second paragraph of Section 2.

²¹ See Kelly, at paragraph [0021].

²² See Kelly, at paragraph [0020].

²³ See Kelly, at paragraph [0020].

foam, as asserted in the Final Action), polyester 28, and a metallized surface 30.²⁴ All of these elements combine to form the mirror described in Coburn. Therefore, even though Coburn describes that the polyether foam 26 may be secured to the plastic layer 14 by an adhesive or that polyester film 28 may be secured to the layer of polyether foam 26 by an adhesive, it would be improper to import only the metallized surface 30 and polyether foam layer 26 into Kelly as a complete “mirror,” let alone a “mirror sticker.”

Furthermore, Claim 1 not only recites a sticker forming a mirror but also recites, *inter alia*, that the sticker forming a mirror articulates the support and the lid. Coburn does not disclose or render obvious that the metallized surface 30 could articulate a support and a lid. At best, if one were to modify the teachings of Kelly in view of the teachings of Coburn, one would simply substitute the mirror 22 in the lid of Kelly with a mirror formed with a surface as disclosed by Coburn. The Office Action asserts that Destanque discloses that forming a mirror on multiple surfaces of a packaging device allows a user the advantage of utilizing a mirror without opening a packaging device. However, including multiple surfaces forming a mirror does not cure the current deficiency because there is no disclosure whatsoever in Destanque to suggest to provide a sticker which **both** provides an articulation between a support and a lid, **and** which forms a mirror. As discussed above, the mirror 12 disclosed in Coburn has a foam layer 26 and a plastic layer 14. Thus, a person of ordinary skill in the art at the time of the invention would recognize that the mirror of Coburn is not suitable to articulate a support and a lid, as presently claimed.

In view of the foregoing, it is respectfully submitted that the cited references, whether considered alone or in combination, fail to disclose or render obvious the combined features set forth in independent Claim 1. Accordingly, it is believed that Claim 1 and Claims 2, 3, and 8-15 depending therefrom patentably define over the cited references.

²⁴ See Coburn, at column 2, lines 57-64.

B. THE CITED REFERENCES TO NOT DISCLOSE OR RENDER OBVIOUS AN ADHESIVE SHEET WHICH COVERS THE CLAIMED SECOND OPENING AND WHICH PROVIDES AN ARTICULATION BETWEEN A LID AND A SUPPORT AS RECITED IN CLAIM 16.

In addition to the features discussed above, Appellant has also recognized an advantageous arrangement where the cavity opens on the second face of the support through a second opening and the device includes an adhesive sheet that is fixed onto one face of the lid, is fixed onto one face of the support, and closes off the second opening. Thus, Claim 16 recites, *inter alia*, a support and a lid that are articulated to each other by an arrangement including an adhesive sheet fixed onto one face of the lid and onto one of the faces of the support, in which the adhesive sheet closes off a second opening of a cavity with a portion of the adhesive sheet which covers the second opening directly facing the second side of the product contained in the cavity.

Hence, Claim 16 defines a structural configuration that includes, *inter alia*:

- (1) a support with two faces that includes a cavity that passes through the support, in which the cavity opens on a first face of the two faces through a first opening and opens on a second face through a second opening;
- (2) the cavity contains a product with a first side adjacent to the first opening and a second side adjacent to the second opening;
- (3) a lid articulated to the support;
- (4) the support and the lid are articulated to each other by an arrangement comprising an adhesive sheet fixed onto one face of the lid and onto one of the faces of the support; and
- (5) the adhesive sheet covers the second opening directly facing the second side of the product contained in the cavity.

The proposed combination of Kelly, Guiard (WO 97/15910), or Parrotta (U.S. Patent No. 4,890,872), fails to disclose or render obvious all of these features.

Beginning with Kelly, Kelly describes a cosmetics case 10 that includes a base 14 and a lid 16.²⁵ As illustrated in Figure 1, Kelly describes that the base 14 of the cosmetics case 10 includes a cavity 14a.²⁶ As illustrated in Figure 3, a cosmetic material is held in a cosmetic pan 12a that provides support for the cosmetic material 12 and has a shape complimentary to the cavity 14a.²⁷ The Final Action acknowledges that Kelly does not teach that the cavity 14a includes first and second openings, but cites Guiard as correcting this deficiency.²⁸ As can be seen in its Abstract, Guiard does not teach the claimed structure of a base and a lid, only a plate-like holder 11 that includes a central recess 16 with two openings. Guiard further describes a tray 18 that fits into the central recess 16 and is attached to the holder 11 by a means 22. However, this means 22 is not also fixed to a face of a lid, nor could it be, as Guiard fails to describe a lid. Nevertheless, the Final Action asserts that:

...it have been obvious to one having ordinary skill in the art at the time of the invention to modify the support of Kelly to include a second opening closed by the adhesive sheet, since Guiard teaches that such a modification allows the product to be secured in the support²⁹

This reasoning relies on isolated teachings of the prior art without considering the over-all context within which those teachings are presented. In particular, Kelly describes that the cosmetic material 12 and pan 12a are generally force fit into the cavity 14a and may be adhesively bonded to the 14 and/or the hinge base section 24c to secure the cosmetic material 12 and the pan 12a to the base 14.³⁰ By contrast, without the means 22, the tray 18 could conceivably fall through the second hole in Guiard. But the cavity 14a described in Kelly does not include a second hole, and already provides a means for securing the pan 12a in the cavity 14a. Therefore a person of ordinary skill in the art at the time of the invention would not be motivated to incorporate a hole below the pan 12a in an effort to “allow[] the

²⁵ See Kelly, at paragraph [0018].

²⁶ See Kelly, at paragraph [0018].

²⁷ See Kelly, at paragraph [0027] with reference to Figure 3.

²⁸ See the Final Action at page 5, second and third paragraphs of Section 5.

²⁹ See the Final Action at page 5, third paragraph of Section 5.

³⁰ See Kelly, at paragraph [0027] with reference to Figure 3.

product to be secured in the support.” In other words, it appears that the Final Action is arguing that a person of ordinary skill in the art would be motivated to create a problem (add a second opening) solely for the purpose of addressing that problem (securing a tray 18 to the plate-like holder 11 in the presence of a second opening). This is improper.

Even if one were to add a hole to the base 14 described in Kelly “to allow the product to be secured to the support,” the proposed combination would still not result in the claimed adhesive sheet that covers the second opening directly facing the second side of the product contained in the cavity. Specifically, the cosmetic material 12 would still be separated from the hinge 24 (which is not an adhesive sheet) by the pan 12a. At best, the hinge 24 would cover a second opening directly facing a bottom surface of the pan 12a, **not** the cosmetic material 12. Thus, the hinge 24 would not be an adhesive sheet which covers a second opening directly facing a second side of the product contained in the cavity, as presently claimed.

With regard to Guiard, Guiard merely discloses a means 22 for attaching tray 18 to the holder, as described in the Abstract and depicted in Figure 3. The means 22 does not cover the second opening directly facing the second side of the product contained in the cavity. As can be seen in Figure 3, the means 22 covers the base of the attaching tray 18. The Final Action asserts that “one could justifiably define the cosmetic product of Guiard as the combination of the cosmetic composition and the tray in which the composition is contained.” The Appellant respectfully disagrees with this overly broad interpretation, which could be understood to mean that any device that *contains* a product is the product. Such an interpretation is not consistent with the recitation of Claim 16, which is directed to a device for packaging a product.

The Final Action attempts to cure this deficiency by applying Parrotta. Parrotta describes a flat paper sheet packet which contains a layer of material.³¹ As illustrated in Figures 1 and 2, Parrotta describes a cover panel 12 hingedly connected along a fold line 18 through a base panel 30.³² As illustrated in Figures 2 and 3, a spacer panel 20 connected to the base panel 30 along a fold line 24 includes a substantially rectangular expansible foam layer that includes a top 25, bottom 27, and lateral sides 26 and 28.³³ A barrier layer 34 is interposed between the base panel 30 and a generally rectangular layer of material 40.³⁴ Thus the flat paper sheet packet does not include a cavity with first and second openings. Nevertheless, the Final Action asserts that “it would have further been obvious to omit the provision of the tray since Parotta et al. teaches that it is also known in the art of packaging to apply the cosmetic composition in a cavity (22) onto an adhesive sheet (34) without use of additional retaining structure.”³⁵ However, this assertion fails to address that Parrotta does not disclose or render obvious an adhesive sheet which covers the second opening **and** which provides an articulation between a lid and a support. As can be seen in Figure 2, Parrotta merely describes a barrier layer 34 which provides an impervious surface for the material enclosed within an item,³⁶ much like the pan 12a in Kelly or the tray 18 in Guiard. As discussed above, neither Kelly nor Guiard cure this deficiency.

In view of the foregoing, it is respectfully submitted that the cited references, whether considered alone or in combination, fail to disclose or render obvious the combined features set forth in independent Claim 16. Accordingly, it is believed that Claim 16 and Claims 4-7, 18, and 29-33 depending therefrom patentably define over the cited references.

³¹ See Parrotta, at column 2, lines 14-16.

³² See Parrotta, at column 2, lines 23-25.

³³ See Parrotta, at column 2, lines 25-34.

³⁴ See Parrotta, at column 2, lines 35-40.

³⁵ See the Final Action at page 9, last paragraph of section 8.


³⁶ See Parrotta, at column 2, lines 35-42.

C. CONCLUSION.

For the reasons discussed above, Claims 1 and 16, and all claims depending therefrom, patentably define over the cited references.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

Claim 1 (Rejected): A device for packaging a product comprising:

a support having a flat overall shape and having two faces, said support further including at least one cavity that passes at least partially through said support and which opens on a first face of said two faces through a first opening, and wherein said cavity contains a product;

a lid having a flat overall shape, and wherein said lid is articulated to the support; and wherein the support and the lid are articulated to each other by an arrangement comprising a sticker forming a mirror adhesively bonded onto a face of the lid and onto one of the faces of the support.

Claim 2 (Rejected): A device according to claim 1, wherein the lid can rest on the support so as to at least partly cover the first face of the support in which the first opening opens.

Claim 3 (Rejected): A device according to claim 2, wherein the lid can cover all of the first face of the support.

Claim 4 (Rejected): A device according to claim 16, wherein said adhesive sheet is formed by at least one layer of a thermoplastic material.

Claim 5 (Rejected): A device according to claim 4, wherein said at least one layer of thermoplastic material includes at least one material selected from the group consisting of polyolefins and polyesters.

Claim 6 (Rejected): A device according to claim 4, wherein said adhesive sheet includes aluminum.

Claim 7 (Rejected): A device according to claim 16, wherein printed matter is provided on said adhesive sheet.

Claim 8 (Rejected): A device according to claim 1, wherein the sticker is formed by at least one layer comprising at least one thermoplastic material and a layer of paint forming a mirror.

Claim 9 (Rejected): A device according to claim 8, wherein said at least one thermoplastic material includes at least one of a polyolefin and a polyester.

Claim 10 (Rejected): A device according to claim 1, further including a removable cover removably closing off the first opening and wherein said removable cover is removed prior to use in order to access the product.

Claim 11 (Rejected): A device as recited in claim 1, wherein at least one of said support and said lid has a thickness in a range of 0.5 to 2.0 mm.

Claim 12 (Rejected): A device as recited in claim 1, wherein each of said lid and said support has a thickness in a range of 0.5 to 2.0 mm.

Claim 13 (Rejected): A device as recited in claim 1, wherein said product disposed in said cavity is a make-up product.

Claim 14 (Rejected): A device as recited in claim 1, wherein said device contains a cosmetic sample in said cavity.

Claim 15 (Rejected): A device as recited in claim 14, wherein said cavity has a circular cross-section.

Claim 16 (Rejected): A device for packaging a product comprising:
a support having two faces, said support further including at least one cavity that passes through said support and which opens on a first face of said two faces through a first opening, wherein the cavity opens on a second side of said two faces through a second opening, and wherein said cavity contains a product having a first side adjacent said first opening and a second side adjacent said second opening;
a lid, wherein said lid is articulated to the support; and
wherein the support and the lid are articulated to each other by an arrangement comprising an adhesive sheet fixed onto one face of the lid and onto one of the faces of the support, wherein the adhesive sheet closes off said second opening of the cavity with a portion of said adhesive sheet which covers said second opening directly facing said second side of said product contained in said cavity.

Claim 17 (Canceled).

Claim 18 (Rejected): A device according to claim 16, the device further including a cover removably attached to said first face, and wherein said cover extends over and covers said first opening to cover the make-up product in said cavity, and wherein when said device

is in a closed position said lid at least partially covers said first face of said support and said lid also covers said cover of said first opening.

Claims 19-24 (Canceled).

Claim 25-28 (Withdrawn).

Claim 29 (Rejected): A device as recited in claim 16, further including a sticker forming a mirror adhesive bonded to one of the faces of said lid.

Claim 30 (Rejected): A device as recited in claim 29, further including a removable cover which covers said first opening, and wherein when said lid and said support are in a closed position, said removable cover is between said support and said mirror.

Claim 31 (Rejected): A device according to claim 30, wherein prior to a first use said removable cover and said adhesive sheet are in contact with said make-up product contained in said cavity.

Claim 32 (Rejected): A device according to claim 31, wherein said support has a thickness in a range of 0.5 to 2.0 mm, and wherein said lid has a thickness in a range of 0.5 to 2.0 mm.

Claim 33 (Rejected): A device according to claim 16, wherein prior to a first use said adhesive sheet is in contact with said make-up product at said second opening.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.